

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.R.C.No.159 of 2014

K.Vidhaya Nandhini

... Petitioner/Complainant

N.Chinnadurai

vs

... Respondent/Accused

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 03.10.2012 passed by the learned Judicial Magistrate No.V, Coimbatore in Cr1.M.P.No.3430 of 2012.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.C.Sivakumar

O R D E R

This Criminal Revision Case has been filed against the order of dismissal passed in Cr1.M.P.No.3430 of 2012 dated 03.10.2012 on the file of the learned Judicial Magistrate No.V, Coimbatore.

2. According to the petitioner, she and her brother one Singaravelu owned some extent of land, which was bequeathed in her favour by her grand mother. Subsequently, the petitioner's brother entered into sale agreement with the respondent. The petitioner was not a party to the agreement and she did not aware of the above sale agreement. Subsequently, her brother executed a sale deed in favour of the respondent. Thereafter, the respondent trying to interfere with her possession and also threatening her and taken steps to encroach the entire property. Earlier, the petitioner said to have filed a complaint before the City Crime Branch, Coimbatore, which was enquired by the Sub Inspector of Police, Anti Land Grab Special Cell, Coimbatore City and the same was closed as mistake of fact. In the meantime, the respondent filed a suit in O.S.No.1233 of 2011 on the file of the Principal District Munsif Court, Coimbatore seeking permanent injunction against the petitioner and the said suit is still pending. In the above circumstances, the

petitioner filed a present complaint before the Court below. After receipt of the complaint, the Court below has forwarded the same to the Inspector of Police, B-10, Selvapuram Police Station under Section 156(3) of Cr.P.C. and the police filed a report stating that already a detailed enquiry was conducted by the Anti Land Grab Special Cell, Coimbatore City, and the complaint was closed as mistake of fact. But, the above said fact was not disclosed in the present complaint. Considering the above, the Court below dismissed the complaint holding that it is nothing but an abuse of process of law. Challenging the above said order, the present criminal revision has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

4. Admittedly, the earlier complaint filed by the petitioner has been investigated by a Sub Inspector of Police, anti Land Grab Special Cell, Coimbatore City, and the same was also referred as mistake of fact and a civil suit is also pending between the parties in respect of the same property. In the above circumstances, without disclosing the earlier complaint, the present complaint has been filed by the petitioner. Considering all the facts and circumstances, the Court below dismissed the complaint holding that it is an abuse of process of law. In the above circumstances, I find no irregularity or illegality in the order passed by the Court below.

5. In the result, the criminal revision case is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rrg

To

The Judicial Magistrate, No.V,
Coimbatore.

+1cc to Mr.Mouli, Advocate, S.R.No.15336

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RR(CO)
RS(07/04/2017)